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Board of Building Regulations and Standards (BBRS)

Ashburton Café, One Ashburton Place, Boston MA 02108

August 11, 2015 at 1:00 p.m.

1. RC opened the meeting at 1:09 p.m. and then roll call was taken as follows:

Richard Crowley V-Chair (RC)	✓ present <input type="checkbox"/> absent	Structural Engineer	
Robert Anderson (RA)	✓ present <input type="checkbox"/> absent	(open slot)	<input type="checkbox"/> present <input type="checkbox"/> absent
John Couture (JC)	✓ present <input type="checkbox"/> absent	General Contractor of	
Kevin Gallagher (KG)	✓ present <input type="checkbox"/> absent	Commercial Buildings	
Jerry Ludwig (JL)	✓ present <input type="checkbox"/> absent	(open slot)	<input type="checkbox"/> present <input type="checkbox"/> absent
Alexander "Sandy" MacLeod (SM)	✓ present <input type="checkbox"/> absent	General Contractor of	
Thomas Perry (TP)	✓ present <input type="checkbox"/> absent	1 & 2 Family Buildings	
Stephen Coan* (SC)	✓ present <input type="checkbox"/> absent	(open slot)	<input type="checkbox"/> present <input type="checkbox"/> absent

* Jennifer Hoyt (JH) participated as the designee for SC. Also in attendance from DPS was Patricia Barry (PB).

RA took a minute to introduce and welcome Jennifer Hoyt as the new designee for Marshal Coan and thank Patricia Barry for her assistance during the meeting.

General notes on format:

- Votes are noted as **Motion** by, Second by, and whether unanimous or split vote.
- Agenda topics appear herein as numbered but may have been taken out of order as they appear on the meeting agenda.
- The August 11, 2015 Agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.

2. The June 9, 2015 meeting minutes (**Exhibit B**) were reviewed and **approved** with the following edits:

Item #4, paragraph beginning "At the completion of TR's review . . . change Exhibit C to **Exhibit D** . . . and add the following language (appearing in **red text**) to the sentence ". . . JN noted that there were

conflicts between *staff proposed 9th edition* 780 CMR and 527 CMR including as just one example, fire access lanes (18 ft in *staff proposed 9th edition* 780 CMR and 20 ft in 527 CMR).

The new paragraph should read:

At the completion of TR's review RC sought and received a motion to move the staff recommended 9th edition to public comment (HS motion with second by SM). SC requested to be heard and then presented his view whereby he reiterated his concerns with eliminating some long standing fire protection requirements. JN then presented Exhibit D from 2:21 to 2:41. During this time RA noted that some of what was presented may have merit and should be brought to ICC for adoption into the national code. Steve Rourke noted that sometimes that does not work specifically pointing out that the BBRS deleted sprinkler requirements from the residential code. JC noted that in discussion with three fire chiefs all said they would prefer townhouse units with 2 exits and no sprinklers as opposed to sprinklered townhouse units with only one exit. JN then proceeded to speak on every DFS comment in Exhibit D until 3:05. JN noted that there were conflicts between *staff proposed 9th edition* 780 CMR and 527 CMR including as just one example, fire access lanes (18 ft in *staff proposed 9th edition* 780 CMR and 20 ft in 527 CMR.)

On a **MOTION** by TP seconded by SM, the minutes were unanimously approved with the referenced amendments.

3. There was a brief discussion relating to Agenda Item 3c relating to the enforcement the review of MGL c.148 §26G enforcement at the municipal level. JH made a **MOTION** which was seconded by KG to request that the review be halted since the law is under the purview of fire, not building services.

Upon discussion, a majority of board members believed that the review should take place since it affects building construction methodologies which are within the purview of the BBRS. Board members believed that, in the interest of uniform code enforcement and equitable building construction standards, the review should take place to determine whether or not peculiarities exist from place to place.

The motion did not carry and the review will continue.

4. On a **MOTION** by SM seconded by TP 176 new Construction Supervisor Licenses (CSLs) issued during the months of June and July, 2015 were unanimously approved as well as license re-instatements for medical reasons for:
 - Anthony Hargrove CS-096501;
 - Brian McMahon CS-089776;
 - Marybeth Pavilonis CS-072891;

and qualification approval to sit for the CSL exam for Mr. Harper Kight.

5. On a **MOTION** by TP seconded by SM the Building Official Certification Committee (BOCC) minutes for their April, May and June, 2015 meetings were unanimously approved (**Exhibit C**).
6. On a **MOTION** by JH seconded by KG it was unanimously voted to refer Chapters 4, 9, 34 and 51 to members of the Fire Prevention\Fire Protection subcommittee for review of specific concerns raised by fire services during the June 9th Board meeting and thereafter concerning large loss fires. Those items include (*among others*):

- Out of date standard references; and
- Lessening of fire sprinkler requirements in certain residential buildings.

Subcommittee members were directed to review concerns raised in the DFS presentation made by Jake Nunnemacher on June 9th and related comments received by fire services as well as comments provided by Tom Riley relating to the matter.

At the request of Subcommittee Chairman, Robert Carasitti, members were allowed 60 days to review the comments and report back to Board members whether any changes should be made to the draft code language relating to these chapters prior to the public hearing date. Chairman Carasitti will report back to Board members the result of their review by October 6, 2015 for discussion during the Board's October 13, 2015 meeting. Additionally, Chairman Carasitti will provide an update during the Board's September 8th meeting.

In the interim, the chapters will remain on the DPS website. However, staff will make it clear on the web notice that the referenced chapters have been forwarded to the FPFP committee for further scrutiny and may be subject to change. Therefore, code users should not consider any draft language to be final.

Some Board members were concerned that this review would further delay issuance of the Ninth Edition Code, but upon discussion, it was recognized that the 562 process may take some time. Therefore, it was determined that it was better to address these concerns prior to the public hearing so that changes that may result, if any, may be incorporated into the final draft version.

7. On a **MOTION** by TP seconded by SM Board members approved (*on a vote of 6 in favor, 2 opposed*) that staff will draft an **Official Interpretation** to clarify code requirements for reconfigured space which will be reviewed by Board members at an up-coming meeting. If Board members are satisfied with the draft language, the interpretation will be approved for release to interested parties without further review by Chapter 34 and/or Fire Prevention\Fire Protection (FPFP) subcommittee members. Board members will only seek input by subcommittee if deemed necessary by a majority of Board members during the review process. A specific date for completion was not established. (*JH and KG were opposed to the vote, stating that the interpretation should not be released without review by Chapter 34 and FPFP members.*)

Discussion Items:

8. Board members discussed whether or not air conditioning units installed in a window intended for emergency escape in the code constitutes an obstruction and therefore should be considered a code violation. Specifically, the code establishes emergency escape and rescue requirements, stating in part that "*Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. . . . Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way*". Additionally, the code establishes operational constraints "*. . . shall be operational from the inside of the room without the use of keys, tools or special knowledge*".

Marshal Coan requested that Board members participate in issuing a joint memorandum **with DPH and DFS** indicating that the installation of air conditioning units in emergency escape windows constitutes a code violation. Board members declined to take part in the issuance of the

memorandum and declined to issue guidance on the matter indicating that the code section is clear.

Marshal Coan indicated that he would consider issuing a memorandum to Fire Chiefs.

9. On a **MOTION** by TP seconded by SM Board members unanimously voted to adjourn the meeting at 2:40 p.m.

Exhibits:

- A. Meeting Agenda.
- B. BBRS Meeting Minutes June 9, 2015 (*Approved as amended*).
- C. Building Official Certification Committee (BOCC) Meeting Minutes for April, May and June, 2015 (*Approved as submitted*).